



TRIVELLA & FORTE, LLP

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January 10, 2023

Via ECF:

The Honorable Stewart D. Aaron
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Request GRANTED. The settlement conference is
adjourned to Tuesday, February 21, 2023, at 10:00 a.m.
SO ORDERED.
Dated: 1/10/2023

A handwritten signature in blue ink, appearing to read "Stewart D. Aaron".

Re: NYCDCC v. DiMaio Millwork Corp., 22 CV 6416-VSB
Request to adjourn January 12, 2023 settlement conference

Dear Judge Aaron:

This firm represents the Defendants. The Defendants submit this letter to request an adjournment of the January 12, 2023 settlement conference to one of the following dates: Tuesday, 2/21/23, Wednesday, 2/22/23, Friday, 2/24/23. These dates also work for the Plaintiffs' counsel. This is the first settlement conference adjournment request, except for this office's January 6, 2023 letter motion which was denied without prejudice. January 12, 2023 is the original date of the conference.

Plaintiffs, the Trustees of the New York City District Council of Carpenters Funds ("Funds"), Taft-Hartley trust funds, filed this action against DiMaio Millwork Corp. and its principal Ralph DiMaio to collect alleged delinquencies pursuant to the findings of a payroll audit of the Defendants. On December 24, 2022 the Funds sent a revised audit to the Defendants. The Defendants are working diligently to review the revised audit and are attempting to reconcile it and need the additional time to request and review additional records relating to the audit, for instance shop steward reports for the Defendants' jobs, and speak to the Funds' auditors in an attempt to negotiate a consensus on the delinquency claim. No prejudice to any party results from the adjournment. Adjourning the settlement conference will make the settlement conference more productive when it occurs, since presumably by then both parties will have reviewed the revised audit and narrowed the open issues regarding the audit.

The Honorable Stewart D. Aaron

January 10, 2023

Page 2 of 2.

Thank you for the Court's kind attention to this matter. Please notify this office of the Court's decision.

Sincerely,

TRIVELLA & FORTE, LLP

Christopher Smith

Christopher Smith

cc:

Virginia & Ambinder, LLP
40 Broad Street, 7th Floor
New York, New York 10004
(counsel for the Plaintiffs) (via ECF)